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DEPARTMENT OF
THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

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CERTIFICATION AND ANALYSIS OF U.S. WINE FOR EXPORT TO THE EUROPEAN ECONOMIC COMMUNITY (EEC)

Proprietors of Bonded Wineries, Bonded Wine Cellars, Taxpaid Wine Bottling Houses and Others Concerned

Purpose: This circular is issued to notify the public that:

- the provisions of ATF Procedure 73-6 which set out the requirements to be met by chemists or laboratories wishing to be certified by the Bureau of Alcohol, Tobacco and Firearms (ATF) for the analysis of wine for export to the EEC are now superseded by ATF Procedure 86-2 (see ATF Industry Circular 86-3); and,

- the provisions of ATF Procedure 73-6 which dealt with the documentation requirements for U.S. wine exported to the EEC are now superseded by ATF Procedure 86-1.

ATF Procedure 86-1, which will be published in the next issue of the Alcohol, Tobacco and Firearms Quarterly Bulletin (see below), outlines the substantially modified documentation requirements for U.S. wine exported to the EEC. These modifications are a result of recent revisions in EEC regulations.

Although the revised EEC regulations apply to several types of grape products, ATF Procedure 86-1 deals only with U.S. grape table wine and U.S. sparkling grape wine since it was felt these are the wine products of primary interest to American exporters.

Those wishing to export U.S. grape table wine and U.S. sparkling grape wine to the European Economic Community should pay careful attention to all aspects of this circular, noting, in particular, the new EEC Forms V.I.1 which will be required to accompany these wines and the new, simplified certification and analysis procedures applicable to wine meeting the conditions set forth in Section 7.01 below. In this connection, ATF urges all producers who would like to be authorized to use the new, simplified certification and analysis procedures to immediately submit the certification statement referenced in Section 8.01.

Those wishing to export grape dessert wine, grape juice and grape must to the EEC will find the applicable certification/analysis requirements outlined in Commission Regulation (EEC) No. 3590/85 of December 18, 1985 (Attachment I). Exporters are welcome to contact ATF for assistance if there are any questions concerning these requirements.

ATF Procedure 86-1 will appear in the next issue of the Alcohol, Tobacco and Firearms Quarterly Bulletin and will read as follows:

Section 1. Purpose.

1.01 The purpose of this procedure is to outline the new requirements of the European Economic Community (hereinafter referred to as the EEC or the Community) as they apply to certification and analysis of commercial shipments of U.S. grape table wine and U.S. sparkling grape wine, only.

Section 2. Definitions.

2.01 U.S. Wine. For the purposes of this procedure, the term, U.S. wine, refers only to U.S. grape table wine and U.S. sparkling grape wine intended for export to the Community for marketing for direct human consumption.

2.02 The Member States of the Community. The Member States of the Community presently include: Belgium, Denmark, Federal Republic of Germany, France, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom.

2.03 Consignment. For the purposes of this procedure, a consignment is the quantity of the same wine consigned by one consignor to one consignee for the purpose of marketing.

2.04 Actual Alcoholic Strength. For the purposes of this procedure, actual alcoholic strength means percent alcohol content by volume at 20°C.

2.05 Potential Alcoholic Strength. For the purposes of this procedure, potential alcoholic strength means the percent alcohol content by volume at 20°C which would result from complete fermentation of all fermentable sugars.

2.06 Total Alcoholic Strength. For the purposes of this procedure, total alcoholic strength means the sum of the actual and potential alcoholic strength.

Section 3. Background.

3.01 ATF Procedure 73-6 outlined the EEC certification and analysis requirements which were applicable at the time that procedure was issued in 1973.

3.02 Subsequent to the issuance of that procedure, the EEC issued "Commission Regulation (EEC) No. 2115/76 of August 20, 1976 laying down general rules for the import of wines, grape juice and grape must". This regulation exempted U.S. wine in containers of four liters or less from certification and analysis requirements on the basis that annual U.S. exports of such products to the Community totaled less than 1000 hectoliters. Thus, from the time of this exemption to the present, U.S. wineries did not have to comply with EEC certification and analysis requirements for such products.

3.03 On December 20, 1985, the Community published "Commission Regulation (EEC) No. 3590/85 of December 18, 1985 on the certificate and analysis report required for the importation of wine, grape juice and grape must". This regulation makes three fundamental changes to the present EEC certification and analysis requirements, i.e.,:

(a) except as provided in Section 5.02, effective April 2, 1986, it no longer exempts the United States from certification and analysis for shipments of wine in containers of four liters or less;

(b) except as specified in Section 5.01, it requires that U.S. wine exported from the U.S. on or after April 2, 1986 be accompanied by Forms V.I.1 and prescribes a new model of Form V.I.1 (see Section 5.06). (The procedures outlined herein relate only to this new model of Form V.I.1.); and,

(c) it makes provision for use of new, simplified procedures for completing the new Forms V.I.1 for shipments of wine meeting the conditions referenced in Section 7.01.

3.04 The EEC established April 2, 1986 as the effective date of Commission Regulation No. 3590/85 (Attachment I) to allow those wishing to export to the Community sufficient time to adjust to the new procedures and to print the new forms.

3.05 The simplified procedures noted in Section 3.03(c) considerably minimize administrative burdens by allowing authorized U.S. producers to self-certify the new Forms V.I.1. They also minimize financial burdens by reducing the number of analyses required from a total of eight to a total of three, i.e., actual alcoholic strength, total sulfur dioxide and total acidity.

Section 4. EEC Regulations.

4.01 "Commission Regulation (EEC) No. 3590/85 of December 18, 1985 on the certificate and analysis report required for the importation of wine, grape juice and grape must" is included as Attachment I. This regulation outlines the certification and analysis procedures referenced in Sections 6 and 7.

4.02 "Council Regulation (EEC) No. 1873/84 of June 28, 1984 authorizing the offer or disposal for direct human consumption of certain imported wines which may have undergone oenological processes not provided for in Regulation (EEC) No. 337/79" is included as Attachment II. This regulation specifies the wine treating materials which the EEC accepts for use in the production of U.S. wine.

4.03 ATF will make every effort to alert the public to any other information having a significant bearing on certification, analysis and treatment of U.S. wine; however, the ultimate responsibility to keep abreast of EEC regulations lies with U.S. exporters. U.S. exporters and others concerned should contact the European Community Information Service at 2100 M Street, NW, Washington, DC 20037 for additional copies of, or further information concerning, Community regulations.

Section 5. General Instructions Applicable to Forms V.I.1.

5.01 Forms V.I.1 are not required for any wine originating in or coming from non-EEC countries in containers of two liters or less, where the total quantity transported, even if it is composed of two or more individual consignments, does not exceed 60 liters.

5.02 Forms V.I.1 are not required for U.S. wine packaged in containers of four liters or less which enters the Community before September 30, 1986, provided satisfactory proof is offered to Community customs authorities that it left the U.S. before April 2, 1986.

5.03 Except as indicated in Section 5.01, Forms V.I.1 shall, as in the past, accompany each consignment of U.S. wine which is not packaged in containers of four liters or less. U.S. exporters may continue to use existing supplies of the present model of Forms V.I.1 for shipments of such wine which enter the Community before September 30, 1986, provided satisfactory proof is offered to Community customs authorities that it left the U.S. before April 2, 1986.

5.04 Except as indicated in Section 5.01, the new model of Forms V.I.1, as described in Section 5.06, shall accompany each consignment of U.S. wine shipped on or after April 2, 1986 (see Sections 6 and 7).

5.05 An original Form V.I.1 and four carbon copies shall be prepared, when required, for each consignment of U.S. wine.

5.06 Exporters are required to provide their own supply of Forms V.I.1 following the model shown in Annex II of Commission Regulation No. 3590/85 (Attachment I). Form V.I.1 shall:

- (a) be approximately 210 mm x 297 mm in size;
- (b) be printed on white paper weighing at least 40 grams per square meter;
- (c) bear the name and address or the mark of the printer;
- (d) be printed in English.

5.07 Forms V.I.1 shall be completed in the English language. The information provided on the original shall be clearly legible on all four copies and shall be either typed or printed in ink using block letters. They shall contain no erasures or alterations. Where necessary, changes shall be made by striking out the wrong entry and inserting the required details. Any change made in this way shall be approved by its author and stamped, as the case may be, by the official agency, the laboratory or the customs authorities.

Section 6. Procedures for Preparing Forms V.I.1 for the Export of U.S. Wine Which Does Not Meet the Requirements of Section 7.01.

6.01 The exporter shall complete Forms V.I.1 as follows:

- (a) Exporter (Box 1). Identify the name and complete address of the

exporter. If the exporter is a wine producer, the name and address shall be that as shown on the "Wine Producer's and Blender's Basic Permit" (ATF F 5120.18) issued to the producer. Otherwise, the name and address shall be that as shown on the "Wholesaler's Basic Permit" (ATF F 5170.3) issued to the exporter.

(b) Third Country of Issue and Serial Number (upper right hand corner). Identify the country of issue as either "United States of America" or "U.S.A.". Assign a serial number consisting of the last two digits of the calendar year in which the Forms are prepared followed by a dash and the number "1" for the first set of Forms prepared, "2" for the second, etc. (e.g., 86-1, 86-2, etc.).

(c) Consignee (Box 2). Identify the name and address of the consignee.

(d) Marks and reference numbers - Number and nature of packages - Description of product (Box 6). Provide sufficient shipping information to identify the consignment to the proper authorities (e.g., bill of lading number, invoice number, etc.). Enter the number and nature of the packaging used (e.g., 100 cases) and describe the wine giving at least the following information:

- for non-appellation U.S. wine, indicate "U.S. Table Wine" or "U.S. Sparkling Wine" as appropriate;

- for appellation U.S. wine, indicate the country of origin, appellation, vintage date and, if applicable, the varietal designation and whether it is sparkling e.g., "U.S. 1983 Napa Valley Cabernet Sauvignon", "U.S. 1980 New York State Sparkling Wine".

(e) Quantity (liters/hectoliters/kilograms) (Box 7). Select the unit of volume preferred and delete the other two. Identify the total quantity in the consignment using the chosen unit of measure.

(f) Number of Bottles (Box 8). If the consignment is a bottled shipment, specify the number of bottles in the consignment.

(g) Colour of the product (Box 9). Describe the color of the wine in the consignment as being either red, white or rose.

(h) CERTIFICATE (Box 10). Place an "X" in the appropriate square. To determine if the consignment of wine covered by the Forms V.I.1 "has not been subjected to oenological practices which are not permitted under current Community provisions relating to the import of the product in question", refer to Section 4.02 and Attachment II.

6.02 After completing the Forms V.I.1 as specified in Section 6.01, the exporter shall attach to the set of Forms V.I.1 a certification statement as referenced in Attachment III. Attachment III or photocopies thereof may be used for submission of the certification statement if appropriately completed with original signature.

6.03 The exporter shall forward one 750 mL sample of the wine referenced in the Forms V.I.1 to a chemist, enologist or laboratory certified by ATF for the analysis of wine for export in accordance with ATF Procedure 86-2. The list of ATF-certified chemists, enologists and laboratories are published in the "C" series of the Official Journal of the European Communities and may be obtained at the following address:

Certified Laboratories - Wine
National Laboratory Center
Bureau of Alcohol, Tobacco and Firearms
1401 Research Boulevard
Rockville, Maryland 20850

6.04 The sample shall be accompanied by the original and all four copies of the applicable Forms V.I.1 to which shall be attached the certification statement referenced in Section 6.02.

6.05 Upon receipt of the sample, set of Forms V.I.1 and certification statement from the exporter, the certified chemist, enologist or laboratory, using the techniques described in ATF Procedure 86-2, shall perform the chemical tests specified in Box 11 (with the exception of the test for "density") and complete Box 11, in full, insuring that the precise analytical units of measurement are specified (e.g., total acidity: x g/100 mL calculated as tartaric acid).

6.06 The certified chemist, enologist or laboratory shall then retain one copy of Form V.I.1 and forward the original, the remaining three copies and the certification statement referenced in Section 6.02, to the Regional Director (Compliance), Bureau of Alcohol, Tobacco and Firearms, serving the region in which the exporter is located, Attention: Chief, Technical Services.

6.07 Upon receipt of the duly completed Forms V.I.1, the Regional Director (Compliance) shall complete Box 10 identifying the Bureau address as referenced in Section 7.07. The Regional Director (Compliance) shall then retain one copy of Form V.I.1 as well as the certification statement referenced in Section 6.02 and return the original and two remaining copies of Forms V.I.1 to the exporter.

6.08 The exporter shall retain one copy of Form V.I.1 and forward the original and remaining copy with the consignment.

6.09 The documents to be retained shall be kept on file for five years.

Section 7. Simplified Procedures for Preparing Forms V.I.1.

7.01 The procedures outlined in this section apply only to U.S. wine produced by U.S. wineries authorized in accordance with Section 8 and exported by these wineries, on or after April 2, 1986, in labeled containers, of 60 liters or less, fitted with non-reusable closing devices.

7.02 The producer shall complete Forms V.I.1 as indicated in Section 6.01.

7.03 The producer shall include in Box 1 the bonded winery registry number as shown on the "Wine Producer's and Blender's Basic Permit" (ATF F 5120.18) issued to the producer.

7.04 The producer shall then follow the procedure outlined in Section 6.03. The sample shall be accompanied by the original and all four copies of Forms V.I.1.

7.05 Upon receipt of the sample and set of Forms V.I.1 from the producer, the certified chemist, enologist or laboratory, using the techniques described in ATF Procedure 86-2, shall determine only actual alcoholic strength, total acidity and total sulfur dioxide and complete Box 11 only with respect to these analyses, insuring that the precise analytical units of measurement are specified (e.g., total acidity: x g/100 mL calculated as tartaric acid).

7.06 The certified chemist, enologist or laboratory shall leave the other areas of Box 11 blank, retain one copy of Form V.I.1 and forward the original and three remaining copies to the producer.

7.07 With respect to Box 10, an official recognized by ATF as having authority to sign on behalf of the winery shall delete the words "name and title of official", sign under the word "Signature" and insert the place and date of signature in the appropriate areas. In this case, a stamp is not required and the producer shall insert the following in the area headed "Full name and address of the official agency":

Bureau of Alcohol, Tobacco and Firearms
1200 Pennsylvania Avenue, NW
Washington, DC 20266
U.S.A.

7.08 With respect to Box 11, an official recognized by ATF as having authority to sign on behalf of the winery shall delete the words "name and title of official", sign under the word "Signature" and insert the place and date of signature in the appropriate areas. In this case, neither a stamp nor the name and address of the laboratory is required.

7.09 The producer shall forward one copy of Form V.I.1 to the Regional Director (Compliance), Bureau of Alcohol, Tobacco and Firearms, serving the region in which the producer is located, Attention: Chief, Technical Services.

7.10 The producer shall retain one copy of Form V.I.1 and forward the original and remaining copy with the consignment.

7.11 The documents to be retained shall be kept on file for five years.

Section 8. Procedures for the Authorization of U.S. Producers Wishing To Be Eligible To Use the Procedures Referenced in Section 7.

8.01 U.S. producers shall submit to ATF a certification statement as referenced in Attachment IV. Attachment IV may be used for this purpose

provided it has been appropriately completed with original signature. The certification statement shall be mailed to the following address:

Chief, Alcohol Import-Export Branch
Bureau of Alcohol, Tobacco and Firearms
Attn: Certification Statement (EEC)
P.O. Box 385
Washington, DC 20226

8.02 ATF will submit, to the European Economic Community, the names, addresses and bonded winery registry numbers of the wineries which have submitted the certification statement referenced in Section 8.01 and will identify these wineries as being authorized, until such time as this authorization is withdrawn, to draw up V.I.1 documents in accordance with "Commission Regulation (EEC) No. 3590/85 of December 18, 1985 on the certificate and analysis report required for the importation of wine, grape juice and grape must".

8.03 The EEC will publish the list of authorized wineries in the "C" series of the Official Journal of the European Communities and will update the list as needed.

Section 9. Effect on Other Documents.

9.01 The provisions of ATF Procedure 73-6 which dealt with the documentation requirements for U.S. wine exported to the EEC are hereby superseded.

Section 10. Inquiries.

10.01 Inquiries concerning this procedure should refer to its number and should be addressed to:

Chief, Alcohol Import-Export Branch
Bureau of Alcohol, Tobacco and Firearms
Attn: Industry Circular 86-2
P.O. Box 385
Washington, DC 20226

W.T. Drake

Acting Director

ATTACHMENT I

COMMISSION REGULATION (EEC) No 3590/85
of 18 December 1985

on the certificate and analysis report required for the importation of wine, grape juice and grape must

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 3307/85 ⁽²⁾, and in particular Articles 50 (5), 51 (2) and 65 thereof,

Having regard to Council Regulation (EEC) No 354/79 of 5 February 1979 laying down general rules for the import of wines, grape juice and grape must ⁽³⁾, as last amended by Regulation (EEC) No 2633/85 ⁽⁴⁾, and in particular Articles 1 and 1a thereof,

Whereas Regulation (EEC) No 2633/85 amended Regulation (EEC) No 354/79 in order to simplify the administrative procedure relating to imports of wine from certain third countries which have offered special guarantees accepted by the Community; whereas Commission Regulation (EEC) No 2115/76 of 20 August 1976 laying down general rules for the import of wines, grape juice and grape must ⁽⁵⁾ should be replaced in consequence;

Whereas, in order to facilitate controls by the competent authorities of Member States, the form and, where necessary, the content of the certificate and analysis report provided for and the conditions under which they are to be used should be laid down;

Whereas, in order to prevent fraud, the certificate and, where appropriate, the analysis report relating to each consignment of imported product must be checked; whereas, to this end, the document(s) must accompany each consignment until it is placed under Community control;

Whereas, to take commercial practice into account, the competent authorities must be empowered, where a consignment of wine is split up, to have an extract of the certificate and of the analysis report drawn up under their supervision to accompany each new consignment resulting from the splitting;

Whereas, in accordance with Article 1 (2) of Regulation (EEC) No 354/79, under certain conditions certificates and analysis reports drawn up by duly authorized producers may be accepted as valid by the competent

authorities in the Community where the third country in question has offered special guarantees accepted by the Community; whereas, in accordance with the second paragraph of Article 1a of that Regulation, documents comprising simplified analysis reports may be accepted under the same conditions; whereas in order to facilitate the import into the Community of wines originating in certain third countries, such rights should be exercised and the requisite detailed rules of application should be laid down;

Whereas lists containing the names and addresses of the agencies and laboratories authorized in third countries to draw up certificates and analysis reports should be published so that the authorities in the Community which supervise the import of wine products can, where necessary, carry out the requisite checks;

Whereas, in accordance with Article 51 of Regulation (EEC) No 337/79, wine products may be offered for direct human consumption in the Community only on condition that they were produced by means of oenological practices permitted in the Community; whereas, in addition, where an imported product has been subjected to enrichment, acidification or deacidification, provision should be made to ensure that it is authorized for direct human consumption in the Community only where the limits specified for the Community wine-growing zone whose natural production conditions are equivalent to those in the region in which the imported product originates have been complied with;

Whereas the task of the exporters and the authorities should be simplified by providing that a statement that the alcohol added to liqueur wines and wines fortified for distillation is of vinous origin should be included in the V11 document without requiring a separate document for this statement; whereas, for the same purpose, it should be provided that the V11 document may, if desired, serve as the certificate testifying to the designation of origin required for the importation of wines, eligible for a tariff reduction; whereas, however, 'Bobberg' and 'Tokaj' (Aszu and Szamorodni) liqueur wines are exempt from the presentation of a certificate and an analysis report pursuant to Article 2 (3) of Regulation (EEC) No 354/79 provided that a certificate of designation of origin is presented; whereas it should be provided that the V11 document may be used to certify the designation of origin of the said liqueur wines and that the section relating to the analysis report need not be completed;

Whereas, in order to avoid difficulties of an administrative nature, transitional measures must be taken;

(1) OJ No L 54, 5. 3. 1979, p. 1.
(2) OJ No L 328, 29. 11. 1985, p. 1.
(3) OJ No L 54, 5. 3. 1979, p. 97.
(4) OJ No L 251, 20. 9. 1985, p. 3.
(5) OJ No L 237, 28. 8. 1976, p. 1.

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

closing devices, provided that the wine originates in a country appearing in Annex I which has offered special guarantees accepted by the Community.

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down the conditions to be met by the certificate and analysis report referred to in Article 50 (1) (a) of Regulation (EEC) No 337/79 together with detailed rules for drawing up and utilizing the latter.

Article 2

For the purposes of this Regulation:

- (a) 'product' shall mean a product listed in Article 1 (2) (a) and (b) of Regulation (EEC) No 337/79;
- (b) 'consignment' shall mean the quantity of a product consigned by one consignor to one consignee;
- (c) 'customs territory of the Community' shall mean the territory defined in Article 1 of Council Regulation (EEC) No 2151/84 of 23 July 1984 on the customs territory of the Community⁽¹⁾;
- (d) 'V11 document' shall be a document drawn up on a Form V11 corresponding to the specimen shown in Annex II, complying with the technical conditions set out in Annex IV and signed by an officer of a recognized official agency and by an official of a recognized laboratory as referred to in Article 7;
- (e) 'V12 extract' shall be an extract drawn up on a Form V12 corresponding to the specimen shown in Annex III, containing the data appearing on a V11 document or another V12 extract and stamped by a Community customs office.

Article 3

1. For each consignment of a product intended for import into the Community, the certificate and analysis report shall be drawn up on a single Form V11.

However, where the product in question is not intended for direct human consumption, the analysis report section of the Form V11 need not be completed.

2. Notwithstanding the first subparagraph of paragraph 1, the analysis report section of the Form V11 need be completed only in respect of:

- actual alcoholic strength,
- total acidity,
- total sulphur dioxide,

in the case of wine put up in labelled containers of a capacity not exceeding 60 litres, fitted with non-reusable

Article 4

1. Forms V11 and V12 shall comprise a typed or handwritten original and a simultaneously produced copy, in that order. Both the original and the copy shall accompany the product. Forms V11 and V12 must be completed either in typescript or by hand and in the latter case they shall be completed in ink using block letters. They must contain no erasures or alterations. Changes must be made by striking out the wrong entry and, where necessary, inserting the required details. Any change made in this way must be approved by its author and stamped, as the case may be, by the official agency, the laboratory or the customs authorities.

2. The V11 documents and the V12 extracts shall bear a serial number allocated, in the case of the V11 documents, by the official agency whose officer signs the certificate and, in the case of the V12 extracts, by the customs office which stamps them in accordance with Article 6 (2) and (3).

Article 5

1. The V11 documents drawn up by wine producers in the third countries listed in Annex I which have offered special guarantees accepted by the Community shall be considered as certificates or analysis reports provided that the producers have received individual approval from the competent authorities of those third countries and are subject to inspection by the latter.

2. Approved producers as referred to in paragraph 1 shall use Form V11 giving in box 10 the name and address of the official agency of the third country which approved them. The form shall be filled in correctly.

Producers shall enter in addition:

- in box 1, their names and addresses and their registration numbers in the third countries listed in Annex I,
- in box 11, at least the particulars referred to in Article 3 (2),

and shall sign in the space provided in boxes 10 and 11, after striking out the words 'name and title of the official'. In this case neither stamps nor the name and address of the laboratory shall be required.

Article 6

1. The original and the copy of the V11 document or the V12 extract shall, on completion of the customs formalities required for putting into free circulation the consignment to which they relate, be handed over to the authorities of the Member State in which such formalities are carried out.

(1) OJ No L 197, 27. 7. 1984, p. 1.

The authorities shall, where necessary, endorse the back of the V11 document or the V12 extract. They shall return the original to the person concerned and keep the copy for at least five years.

2. Where a consignment is to be re-consigned complete before entry into free circulation, the new consignor shall give the customs authorities controlling the consignment the V11 document or the V12 extract relating to that consignment as well as, if appropriate, the Form V12 completed consecutively.

The authorities, after verifying that the particulars entered on the V11 document agree with those entered on the V12 form or that the particulars entered on the V12 extract agree with those entered on the V12 form established consecutively, shall stamp the latter, which shall then be equivalent to the V12 extract, and endorse the document or previous extract accordingly. They shall return the extract and the original of the V11 document or the previous V12 extract to the new consignor and keep the copy of the document or previous extract for at least five years.

However, a Form V12 need not be completed where a consignment of a product is re-exported to a third country.

3. Where a consignment is split before entry into free circulation, the person concerned shall give to the customs authorities controlling the consignment to be split the V11 document or the V12 extract relating thereto and, in respect of each new consignment, a V12 form completed consecutively.

The authorities, after verifying that the particulars entered on the V11 document or on the V12 extract correspond to those on the V12 form completed consecutively for each new consignment, shall stamp the latter, which shall then be equivalent to the V12 extract, and endorse accordingly the back of the V11 document or the V12 extract on which it was based. They shall return the V12 extract as well as the V11 document or the V12 extract previously established to the person concerned and keep a copy of each of these documents for at least five years.

Article 7

1. The Commission shall draw up and update lists containing the names and addresses of the agencies and laboratories, and of the wine producers authorized to draw up V11 documents, on the basis of notifications from the competent authorities of third countries. It shall publish these lists in the 'C' series of the *Official Journal of the European Communities*.

2. The notifications from the competent authorities of third countries referred to in paragraph 1 shall contain:

- the names and addresses of the official agencies and laboratories approved or appointed for the purpose of drawing up V11 documents,
- the names, addresses and official registration numbers of the wine producers authorized to draw up V11 documents.

The list shall contain only competent agencies and laboratories as referred to in the first subparagraph which have been authorized by the competent authorities of the third country concerned to provide the Commission and the Member States, on request, with any information required to evaluate the data appearing on the document.

3. The lists referred to in paragraph 1 shall be updated, in particular in order to take account of changes of address and/or name of agencies or laboratories.

They shall be revised:

- (a) where an agency or a laboratory does not provide information requested of it pursuant to paragraph 2;
- (b) where it becomes necessary to include or delete an official agency or an official laboratory;
- (c) where, after the list has been drawn up, approval as referred to in Article 5 has been given to or withdrawn from a producer.

Article 8

1. Subject to Article 51 of Regulation (EEC) No 337/79 and the provisions adopted for the implementation thereof, products originating in third countries may be offered or delivered for direct human consumption only on condition that they were produced, in the case of the oenological practices referred to in Articles 32, 33 and 34 of Regulation (EEC) No 337/79, in compliance with the limits specified for the Community wine-growing zone in which the natural production conditions are equivalent to those in the production region in which the third country product originates.

The equivalence of production conditions shall be assessed by the competent authorities of the third country concerned.

However, the Commission may replace the assessment by a third country of the equivalence of production conditions in that country, as compared with production conditions in the corresponding wine-growing zone in the Community, by an assessment made by itself on the basis of a comparison of the provisions applicable in the Community with those applicable in the third country.

2. Where the competent authorities of a Member State have the impression that a product originating in a third country has been subjected to an oenological practice as referred to in paragraph 1 and the limits laid down for the

corresponding Community wine-growing zone have been substantially exceeded, the Member State concerned shall inform the Commission thereof without delay. In such cases the Commission shall contact the third country concerned in order to regularize future imports.

Article 9

1. As regards

- liqueur wines, and
- wines fortified for distillation,

the V11 documents shall be recognized as valid only where the official agency as referred to in Article 7

(a) has entered the following in box 15:

'the alcohol added to this wine is certified as being of vinous origin';

(b) and has completed this with:

- the full name and address of the issuing agency,
- the signature of an official of the agency,
- the agency's stamp.

2. For wines eligible for a tariff reduction on importation into the Community, the V11 documents may serve as a certificate testifying to the designation of origin which is entitled to such arrangements, where the official agency

— has entered the following in box 15:

'the wine referred to in this document is certified as having been produced in the ... wine-growing region and it was given the designation of origin shown in

box 6 in accordance with the provisions of the country of origin'.

and

— has completed this as provided for in paragraph 1 (b).

3. For liqueur wines entitled to the appellation 'Boberg' and 'Tokaj' (Aszu and Szamarodni) box 15 of the V11 document may be used to provide the attestation pursuant to Article 3 (2) of Regulation (EEC) No 354/79 and to Commission Regulation (EEC) No 1120/75⁽¹⁾; in this case it shall not be necessary to complete box No 11 of the same document relating to the analysis report.

Article 10

The third countries for which the requirement to submit the certificate and analysis report has been waived in accordance with Article 2 (2) of Regulation (EEC) No 354/79, for their exports to the Community, shall be those listed in Annex V to this Regulation.

Article 11

Regulation (EEC) No 2115/76 is hereby repealed on 30 September 1986. During the period 2 April to 30 September 1986, that Regulation shall apply only to products shown to the satisfaction of the Community customs authorities to have left the third country concerned before 2 April 1986.

Article 12

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Communities*. It shall apply, subject to Article 11, from 2 April 1986, except for Article 9 (2) which shall apply from 1 July 1986.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 December 1985.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX I

List of the third countries which have provided the Community with the special guarantees referred to in Article 3 (2) and Article 5:

the United States of America

ANNEX II

THIRD COUNTRY OF ISSUE:

VI1

Serial No.:

DOCUMENT

FOR THE IMPORTATION OF WINE, GRAPE JUICE
OR GRAPE MUST INTO
THE EUROPEAN COMMUNITY

SEE INSTRUCTION FOR PRINTING ON ANNEX IV

1. Exporter



2. Consignee

3. CUSTOMS' STAMP (1)

4. Means of transport (1)

5. Place of unloading (1)

(1) Obligatory only for wines benefitting from a reduced customs tariff

(2) Delete as appropriate

(2) Put an 'x' in the appropriate place

6. Marks and reference numbers — Number and nature of packages — Description of product

7. Quantity in l/hl/kg (2)

8. Number of bottles

9. Colour of product

10. CERTIFICATE

The product described above (2) ☐ is ☐ is not intended for direct human consumption, complies with the conditions governing production and entry into circulation applying in the country of origin of the product and, if intended for direct human consumption, has not been subjected to oenological practices which are not permitted under current Community provisions relating to the import of the product in question.

Full name and address of the official agency:

Place and date:

Signature, name and title of official:

Stamp:

11. ANALYSIS REPORT

describing the analytical characteristics of the product described above

FOR GRAPE MUST AND GRAPE JUICE: density:

FOR WINE AND GRAPE MUST STILL IN FERMENTATION:

total alcoholic strength:

actual alcoholic strength:

FOR ALL PRODUCTS:

total dry extract:

total acidity:

volatile acidity:

citric acidity:

total sulphur dioxide:

(2) ☐ presence ☐ absence of products obtained from varieties resulting from interspecific crossings (direct producer hybrids) or from other varieties not of the species *Vitis vinifera*.

Full name and address of the laboratory:

Place and date:

Signature, name and title of official:

Stamp:

IMPORTS (Entry into free circulation or issue of extracts)

Quantity	12. Reference number and date of the extract or customs document	13. Full name and address of the consignee (extract)	14. Stamp of the competent authority
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
15. Other information:			

EUROPEAN COMMUNITY

ANNEX III

MEMBER STATE OF ISSUE:

VI2

Serial No:

**EXTRACT OF A DOCUMENT
FOR THE IMPORTATION OF WINE, GRAPE JUICE
OR GRAPE MUST INTO THE EUROPEAN COMMUNITY**

1. Consignor



2. Consignee

3. Extract of V.I.1 document

No:

issued by (name of third country)

on:

4. Extract of V.I.2 extract

No:

stamped by (full name and address of the customs office within the Community)

on:

(1) Delete as appropriate

(2) Put an 'x' in the appropriate place

(3) Obligatory only for wines benefiting from a reduced customs tariff, for liqueur wines and for wines fortified for distillation (delete as appropriate)

5. Marks and reference numbers — Number and nature of packages — Description of product

6. Quantity in l/hl/kg (*)

7. Number of bottles

8. Colour of product

9. CONSIGNOR'S DECLARATION (*)

☐ The V.I.1 document referred to in box 3 ☐ The extract referred to in box 4 was completed in respect of the product described above and comprises:

☐ A CERTIFICATE to the effect that the product described above ☐ is ☐ is not intended for direct human consumption, complies with the conditions governing production and entry into circulation applying in the country of origin of the product and, if intended for direct human consumption, has not been subjected to oenological practices which are not permitted under current Community provisions relating to the import of the product in question.

☐ AN ANALYSIS REPORT showing that this product has the following analytical characteristics:

FOR GRAPE MUST AND GRAPE JUICE: density:

FOR GRAPE AND GRAPE MUST STILL IN FERMENTATION:

total alcoholic strength:

actual alcoholic strength:

FOR ALL PRODUCTS:

total dry extract:

total acidity:

volatile acidity:

citric acid:

total sulphur dioxide:

☐ presence ☐ absence of products obtained from varieties resulting from inter specific crossings (direct producer hybrids) or from other varieties not of the species *Vitis vinifera*.

☐ as well as (*) an ENDORSEMENT from the competent official agency certifying that:

- the wine which is the subject of this document was produced in the region of and is recognized, according to the rules in the country of origin, as having the right to the designation of origin mentioned in box 5
- the alcohol added to the wine which is the subject of the present document is of vinous origin.

10. CUSTOMS STAMP

Declaration certified true

Place and date:

Signature:

Stamp:

Signature:

Full name and address of customs office concerned:

SEE INSTRUCTION FOR PRINTING ON ANNEX IV

IMPORTS (Entry into free circulation or issue of extracts)

Quantity	11. Reference number and date of the extract or customs document	12. Full name and address of the consignee (extract)	13. Stamp of the competent authority
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			

ANNEX IV

(TECHNICAL) CONDITIONS RELATING TO FORMS V I 1 AND V I 2

A. Printing of forms

1. The size of the forms is to be approximately 210 x 297 mm.
2. White paper dressed for writing purposes weighing not less than 40 g/m² must be used.
3. Each form must bear the name and address or the mark of the printer.
4. The forms are to be printed in one of the official Community languages; the language for the forms V I 2 will be specified by the competent authorities of the Member State in which the forms will be stamped.

B. Instructions for completing the forms

1. The forms must be completed in the language in which they are printed.
2. Each form must bear a serial number allocated:
 - in the case of the forms V I 1, by the official agency which signs the 'Certificate' section,
 - in the case of the forms V I 2, by the customs office which stamps them.
3. The description of the product in box 6 of the V I 1 form and in box 5 of the V I 2 extract must be completed in accordance with Article 35 of Council Regulation (EEC) No 355/79⁽¹⁾, as last amended by Regulation (EEC) No 1898/85⁽²⁾.

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 99.

⁽²⁾ OJ No L 179, 11. 7. 1985, p. 1.

ANNEX V

- Canada
- Iran
- Lebanon
- People's Republic of China
- Taiwan

ATTACHMENT II

COUNCIL REGULATION (EEC) No 1873/84

of 28 June 1984

authorizing the offer or disposal for direct human consumption of certain imported wines which may have undergone oenological processes not provided for in Regulation (EEC) No 337/79

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine⁽¹⁾, as last amended by Regulation (EEC) No 1208/84⁽²⁾, and in particular Article 51 (1) thereof,

Having regard to the proposal from the Commission,

Whereas Article 50 (1) (a) of Regulation (EEC) No 337/79 lays down that the products referred to in Article 1 (2) (a) and (b) of that Regulation may be imported only if they are accompanied by a certificate attesting that they comply with the provisions governing production, marketing and, should such be the case, supply for direct human consumption in the third countries in which they originate;

Whereas Article 51 (1) of Regulation (EEC) No 337/79 lays down that products imported from third countries and falling within heading No 22.05 of the Common Customs Tariff which have undergone oenological practices not allowed by Community rules, or which do not conform either to the provisions of that Regulation or to those adopted in implementation thereof, may not, except by way of derogation, be offered or disposed of for direct human consumption;

Whereas Article 2 (2) of Council Regulation (EEC) No 354/79 of 5 February 1979 laying down general rules for the import of wines, grape juice and grape must⁽³⁾, as last amended by the 1979 Act of Accession, exempts from the requirement to present the above-mentioned certificate imports of wine originating in and coming from third countries whose annual exports to the Community are less than 1 000 hl; whereas, in view of the current level of exports of United States wines to the Community, an arrangement should be introduced which is more appropriate to the situation;

Whereas, with the aim of fostering the harmonious development of trade in wine products between the Community and the United States of America, and in view of the effectiveness of the control system in force

in the United States and the particular extent to which compliance with provisions governing the production, marketing and disposal of wine for direct human consumption is thereby ensured, the import into the Community of United States wines which have undergone certain oenological processes not provided for by Community rules should be authorized if, in the present state of scientific knowledge, those processes have been shown to be identical or almost equivalent to oenological processes permitted in the Community; whereas other oenological processes in use in the United States which are not permitted in the Community necessitate further scientific research; whereas, therefore, authorization for the import into the Community of United States wines which have undergone such processes should be limited to a certain period; whereas, however, it should be made clear that such authorization may be reviewed at any time, after consultation with the United States authorities, in particular were it to be found that the use of certain oenological practices could present a public health risk;

Whereas, in a letter sent to the Government of the United States of America on 6 July 1983, the Community, represented by the Commission, expressed the intention of modifying Community provisions in respect of oenological processes with a view to encouraging trade in the wine sector; whereas the necessary provisions should therefore be incorporated in Community legislation in order to put those modifications into effect;

Whereas the Government of the United States of America undertook in its letter dated 26 July 1983 to delete from the American provisions a large number of substances whose use has hitherto been permitted in the manufacture of wine, and to replace expressions having little meaning in such provisions with scientific terms, thus making identification easier; whereas the Government of the United States of America further undertook to ensure that geographical names referring to a Community wine-growing area were no longer used as generic names unless such use was traditional; whereas the Government of the United States of America also undertook to work in constant collaboration with the Community with the object of expanding scientific knowledge on certain oenological processes referred to in 1 (b) of the Annex to this Regulation; whereas, moreover, the United States Government recognized the need to establish collaboration between on the one hand, the competent autho-

(1) OJ No L 54, 5. 3. 1979, p. 1.

(2) OJ No L 115, 1. 5. 1984, p. 77.

(3) OJ No L 54, 5. 3. 1979, p. 97.

rities in the Member States, coordinated if necessary by the Commission, and on the other hand, the competent American authorities in order to facilitate the prevention of fraud; whereas these commitments should, therefore, be respected and provision should be made for certain derogations from Article 51 (1) of Regulation (EEC) No 337/79,

HAS ADOPTED THIS REGULATION:

Article 1

1. By way of derogation from Article 51 (1) of Regulation (EEC) No 337/79, it shall be permitted to offer or dispose of for direct human consumption in the Community products falling within heading No 22.05 of the Common Customs Tariff and derived from grapes harvested and vinified on the territory of the United States of America for which, in accordance with United States provisions, one or more of the oenological processes listed in 1 (a) and (b) of the Annex to this Regulation may have been used during manufacturing or storage operations.

However, this authorization shall only be valid, as regards use of the oenological processes listed in 1 (b) of the Annex, until 26 July 1988.

2. Member States may not prohibit the offer or supply for direct human consumption of wine derived from grapes harvested and vinified on the territory of the United States of America in accordance with the

provisions in force in that country on the grounds that one or more of the oenological processes listed in 2 (a) and (b) of the Annex may have been used.

3. Wines derived from grapes harvested and vinified on the territory of the United States of America which have been the subject of the addition of sugar in aqueous solution may not be offered or disposed of for direct human consumption in the Community.

Article 2

Producer Member States shall forward to the Government of the United States of America the list of their protected geographical designations of wines in the Community which they wish to see protected by the United States in accordance with the commitment entered into by that country.

Article 3

The Commission shall ensure the publication in the *Official Journal of the European Communities*, 'C' series, of the value limits laid down by the provisions of the United States of America for the use of the substances listed in the Annex to this Regulation. It shall keep such publication up to date if changes are made to the American provisions.

Article 4

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 28 June 1984.

For the Council

The President

H. FOUCHARDEAU

ANNEX

1. Oenological processes permitted

(a) without any time limit:

- catalase derived from *Aspergillus niger*,
- glucose oxydase derived from *Aspergillus niger*,
- ferrous sulphate,
- oxygen,
- soya flour;

(b) until 26 July 1988 at the latest:

- dimethylpolysiloxane,
- polyoxyethylene-40-monostearate,
- sodium carboxymethylcellulose,
- sorbitan monostearate,
- calcium sulphate,
- substances composed of potassium ferrocyanide and aqueous ferrous sulphate, possibly combined with copper sulphate and active carbon,
- fumaric acid,
- ion-exchange resins,
- lactic acid,
- malic acid,
- polyvinylpyrrolidone (PVPP),
- polyvinylpyrrolidone (PVP).

2. Oenological processes which are identical to, or comparable with, those permitted in the Community

(a) oenological processes which are identical:

- acacia (gum arabic),
- activated carbon,
- animal albumen (including egg white powder and egg white solution),
- ammonium phosphate (dibasic),
- ascorbic acid,
- bentonite (Wyoming clay),
- bentonite slurry,
- carbon dioxide,
- casein,
- citric acid,
- compressed air (aeration),
- copper sulphate,
- diatomaceous earth,
- enzymes: pectolytic, derived from *Aspergillus niger*,
- gelatin,
- gelatin slurry,
- isinglass,
- nitrogen gas,
- potassium bitartrate,
- potassium caseinate,
- potassium metabisulfite,
- potassium sorbate,
- silica gel (colloidal silicon dioxide — 30 %),
- sorbic acid,
- tannin,
- tartaric acid,
- Calcium carbonate, possibly containing small quantities of double calcium salt of tartaric L (+) and malic L (—) acid:

(b) oenological processes which are comparable:

- Agar agar,
 - ammonium carbonate,
 - ammonium phosphate (monobasic),
 - granular cork,
 - milk powder,
 - oak chips sawdust, uncharred and not treated,
 - potassium carbonate,
 - carageenan,
 - cellulase derived from *Aspergillus niger*,
 - cellulose,
 - autolyzer yeast.
-

ATTACHMENT III

It is hereby certified that the consignment of wine referenced on Forms V.I.1, identified by Serial No. _____:

(a) has been produced by ¹

_____;

(b) will be exported by ²

_____;

(c) complies with United States rules of production; and,

(d) has not been subjected to enological practices which are not permitted under current EEC provisions relating to the import of the product in question.

It is further certified that the above referenced Forms V.I.1 have been completed in accordance with ATF Procedure 86-1 and any subsequent amendments relating to the requirements thereof.

I, the undersigned, as the duly authorized representative of the above named exporter, certify the statements herein to be true and, furthermore, consent:

- upon request, to provide the Bureau of Alcohol, Tobacco and Firearms any information required to evaluate the data included on the above referenced Forms V.I.1; and,

- to the disclosure by the Bureau of Alcohol, Tobacco and Firearms to the governing bodies of the European Economic Community and its Member States of any information which would have a material bearing on the representations made by this certificate.

Signature of Duly Authorized
Representative of Above Named Exporter

Date of signature

Typed Name and Title of Above Representative

¹ Insert name, address and bonded winery registry number of producer as shown on "Wine Producer's and Blender's Basic Permit" (ATF F 5120.18).

² Insert name, address and basic permit number of exporter as shown on "Wholesaler's Basic Permit" (ATF F 5170.3).

ATTACHMENT IV

It is hereby certified that wine produced by

1

which is exported from the U.S. to the European Economic Community (EEC) by the above named producer on or after April 2, 1986:

(a) complies with United States rules of production;

(b) has not been subjected to enological practices which are not permitted under current EEC provisions relating to the import of the product in question; and,

(c) will be accompanied by Forms V.I.1 completed in accordance with ATF Procedure 86-1 and any subsequent amendments relating to the requirements thereof.

I, the undersigned, as the duly authorized representative of the above named exporter, certify the statements herein to be true and, furthermore, consent:

- upon request, to provide the Bureau of Alcohol, Tobacco and Firearms any information required to evaluate the data included on the above referenced Forms V.I.1; and,

- to the disclosure by the Bureau of Alcohol, Tobacco and Firearms to the governing bodies of the European Economic Community and its Member States of any information which would have a material bearing on the representations made by this certificate.

Signature of Duly Authorized
Representative of Above Named Winery

Date of signature

Typed Name and Title of Above Representative

1 Insert name, address and bonded winery registry number as shown on "Wine Producer's and Blender's Basic Permit" (ATF F 5120.18).